

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Thursday 10th September, 2015

No. 347

**SIKKIM STATE ELECTRICITY REGULATORY COMMISSION
GANGTOK-737102**

No. 15/SSERC/APPEAL/2015

Dated: 19.08.2015

In exercise of powers conferred under Section 127 read with Clause (zo) of sub-section (2) of Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in that behalf, the Sikkim State Electricity Regulatory Commission hereby makes these regulations providing for procedure for filing the appeal before the Appellate Authority against the final order of assessment made under Section 126 of the said Act.

1. Short title, commencement and interpretation

1. These Regulations may be called the Sikkim State Electricity Regulatory Commission (Procedure for filing Appeal before the Appellate Authority) Regulations, 2015.
2. These Regulations shall extend to the whole of the State of Sikkim.
3. These Regulations shall come into force on the date of their publication in the official gazette.

2. Definitions

In these Regulations, unless the context otherwise requires:-

- a. "Act" means the Electricity Act, 2003
- b. "Appellate Authority" means the authority prescribed under sub-section (1) of Section 127 read with Clause (u) of sub-section (2) of Section 176 of the Act;
- c. "Assessing Officer" Means the assessing officer designated under Section 126 of the Act;
- d. "Commission's" means the Sikkim State Electricity Regulatory Commission;
- e. "Licensee" means a person who has been granted a licence under the Act and shall include a Deemed Licensee under the Act;
- f. "Amount assessed" means the amount as determined in the final order of assessment made under Section 126 of the Act; and
- g. Words and expressions used but not specifically defined herein but defined in the Act shall have the meanings assigned to them in the Act.

3. Filing of appeal

1. Any person aggrieved by a final order made by an assessing officer under Section 126 of the Act, may, within 30 days of the order, file an appeal before the Appellate Authority.
2. The appeal shall be made in the form specified in the Schedule to these Regulations.
3. The Memorandum of Appeal shall be signed and verified in the manner specified in the Schedule to these Regulations.
4. No appeal against an order of assessment under Clause (1) shall be entertained unless an amount equal to one-third of the assessed amount is deposited in cash or by way of bank draft with the Licensee and documentary evidence of such deposit has been enclosed along with the appeal.
5. The appeal shall be accompanied by the following fee:-

	Amount Assessed (Rupees)	Fee
i.	Upto Rs. 1.0 Lakh (Rupees One Lakh)	2.5 % of the assessed amount subject to minimum of Rs. 500
ii.	Above Rs. 1.00 Lakh (Rupees One Lakh)	1.5 % of the assessed amount subject to minimum of Rs. 2500

6. The fee shall be paid in such form as the Appellate Authority may specify.

4. Miscellaneous

1. Subject to the provisions of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of these Regulations and procedure to be followed on various matters, which the Commission has been empowered by these Regulations to direct and matters incidental or ancillary thereto.
2. If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do or undertake or permit the Appellate Authority to do or undertake thing not being inconsistent with the provisions of the Act which in the opinion of the Commission are necessary or expedient for removing the difficulty.
3. The Commission may, at any time, add, vary, alter, modify or amend any of the provisions of these Regulations.

BY ORDER THE COMMISSION

Secretary to the Commission

Schedule

Form of Appeal

APPEAL BEFORE THE APPELLATE AUTHORITY UNDER SECTION 127 OF THE ELECTRICITY Act, 2003

Appeal against final order (A.F.O) No. Of 200

Between

(Name and address of the Consumer)Appellant

AND

1. (Name and address of Distribution Licensee)
2. (Name and address of the Assessing Officer)Respondents

Appeal under Section 127 of the Electricity Act, 2003

1. Details of Applicant
 - a. Full Name of the Appellant:
 - b. Full Address of the Appellant:
 - c. Name, Designation & Address:
 Of the Contact Person:
 - d. Contact Telephone Numbers:
 Fax Number(s):
 Email ID:
2. Details of the Distribution Licensee
 - a. Name and address of Distribution Licensee
 - b. Name of the concerned Executive Engineer
 - c. Address of the office of the Executive Engineer
3. Details of the Assessing Officer
 - a. Name
 - b. Address
4. Address of the premises inspected under Section 126 of the Electricity Act, 2003.
5. Connected Load
6. Particulars of the meter installed
7. Date of Inspection
8. Date of the provisional assessment

9. Amount provisionally assessed
10. Date of filing of the objections by the Appellant against provisional assessment
11. Date of hearing of the objections by the Assessing Officer
12. Nature of the unauthorized use alleged
13. Gist of the final order of assessment under Section 126 of the Electricity Act, 2003.
14. Whether any amount assessed paid/deposited relating to the period in issue and is so, the details thereof
15. Whether the appellant has paid one third of the Amount Assessed if so, the details thereof
16. Whether there was any consent of the Appellant to the final order of assessment.
17. GROUNDS OF APPEAL

(State the grounds of the case on which the appeal is filed and the reason(s) why the final order is unsustainable)

Prayer it is therefore, prayed that _____

Appellant

VERIFICATION

I,..... (Name of the Appellant (if individual) or the authorized representative of the Appellant) declare that the facts state in the above Memorandum of Appeal are true to my knowledge or based on information from.....and believed by me to be true, no part of the same is false and nothing material has been concealed there from.

Verified at.....on thisday of.....

Place

(Signature)

